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Attorneys for Defendant,  
United HealthCare Insurance Company

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

FOREST AMBULATORY SURGICAL  
ASSOCIATES, L.P., doing business as  
FOREST SURGERY CENTER,  
Plaintiff,

v.

UNITED HEALTHCARE INSURANCE  
COMPANY and DOES 1 through 20,  
Defendant.

Case No. CV10-04911 JW

**STIPULATION AND  
[PROPOSED] ORDER TO  
FURTHER EXTEND TIME TO  
ANSWER OR OTHERWISE  
RESPOND TO FIRST AMENDED  
COMPLAINT**

(Local Rule 6-1(b))

(Santa Clara Superior  
Court Number: 110CV183843)

Complaint filed: **Sept. 29, 2010**

1       **WHEREAS** Plaintiff Forest Ambulatory Surgical Associates, L.P. filed a Complaint  
2 in this action on September 29, 2010 and served it on Defendant United HealthCare Insurance  
3 Company on October 1, 2010. Thereafter the parties stipulated to extend Defendant's time to  
4 respond to the Complaint until December 17, 2010; and

5       **WHEREAS** Plaintiff filed its First Amended Complaint on December 17, 2010 and,  
6 consequently, the deadline for Defendant to answer or otherwise respond to Plaintiff's First  
7 Amended Complaint was January 6, 2011;

8       **WHEREAS** Plaintiff's First Amended Complaint includes a new cause of action, and  
9 Defendant believes it may have grounds to file a motion to dismiss under FRCP 12(b)(6); and

10       **WHEREAS** Plaintiff and Defendant agreed it was in the best interest of both parties to  
11 extend the time for Defendant to answer or otherwise respond to the First Amended  
12 Complaint;

13       **WHEREAS** Defendant filed a stipulation to answer or otherwise respond to Plaintiff's  
14 First Amended Complaint on January 4, 2011, and the Court graciously granted said  
15 extension making Defendant's response due on January 20, 2011;

16       **WHEREAS** due to a family medical emergency as detailed in the Declaration of  
17 Larry A. Walraven filed herewith, counsel for Defendant is unable to properly prepare a  
18 response to said First Amended Complaint by the January 20, 2011 response date;

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23 ///

25 ///

27 ///

1 NOW, THEREFORE, IT IS HEREBY STIPULATED by Plaintiff and Defendant and  
2 through their counsel of record herein, that the time for Defendants to answer or otherwise  
3 respond to the First Amended Complaint be extended for an additional 21 days until February  
4 10, 2011.

5  
6  
7 IT IS SO STIPULATED.

8 Dated: 1/18/11

9 DAVIS WRIGHT TREMAINE LLP  
GWEN FANGER

10  
11 By: 

12 Gwen Fanger

13 Attorneys for Plaintiff,  
Forest Ambulatory Surgical Associates,  
L.P.

14 Dated: 1/18/11

15 WALRAVEN & LEHMAN LLP  
LARRY A. WALRAVEN  
BRYAN S. WESTERFELD

16  
17  
18 By: 

19 Larry A. Walraven

20 Attorneys for Defendant,  
United Healthcare Insurance Company

21  
22 PURSUANT TO STIPULATION, IT IS SO ORDERED

23  
24 Dated: January 19, 2011

25   
Honorable James Ware

26 United States District Chief Judge  
27  
28

**PROOF OF SERVICE**

I, Kim Sullivan, declare:

I am a resident of the State of California and over the age of eighteen years, and not a party to the within action; my business address is 120 Vantis, Suite 535, Aliso Viejo, California 92656. January 18, 2011, I served the within documents:

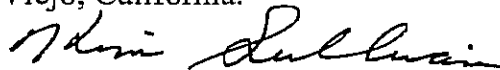
**STIPULATION AND [PROPOSED] ORDER TO FURTHER EXTEND  
TIME TO ANSWER OR OTHERWISE RESPOND TO FIRST AMENDED  
COMPLAINT**

- ☐ by transmitting via facsimile machine the document(s) listed above to the fax number(s) set forth below on this date at approximately 10:05 AM. The outgoing facsimile machine telephone number in this office is (949) 215-1999. The facsimile machines used in this office create a transmission report for each outgoing facsimile transmitted. A copy of the transmission report(s) for the service of this document, properly issued by the facsimile machine(s) that transmitted this document and showing that such transmission was (transmissions were) completed without error, is attached hereto.
- ☒ by placing the document(s) listed above in a sealed envelope with postage thereon fully prepaid, in the United States mail at Aliso Viejo, California addressed as set forth below. I am readily familiar with the firm's practice of collecting and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if the postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
- ☐ by putting a true and correct copy thereof, together with an unsigned copy of this declaration, in a sealed envelope designated by the carrier, with delivery fees paid or provided for, for delivery the next business day to the person(s) listed above, and placing the envelope for collection today by the overnight courier in accordance with the firm's ordinary business practices. I am readily familiar with this firm's practice for collection and processing of overnight courier correspondence. In the ordinary course of business, such correspondence collected from me would be processed on the same day, with fees thereon fully prepaid, and deposited that day in a box or other facility regularly maintained by Worldwide Network, Inc., which is an express carrier.

Gwen Fanger, Esq. (415) 276-6500  
Davis Wright Tremaine LLP (415) 276-6599-FAX  
505 Montgomery St., Suite 800  
San Francisco, CA 94111

I declare under penalty of perjury under the laws of the State of California that the above is true and correct.

Executed on January 18, 2011, at Aliso Viejo, California.



Kim Sullivan